

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MARIA FRAGOSO,

Plaintiff,

-against-

CITIBANK, N.A.

Defendant.  
-----X

AMON, United States District Judge:

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.



SEP 14 2010

P.M.  
TIME A.M.

NOT FOR PUBLICATION  
ORDER

09-CV-1502 (CBA)(LB)

This Court has received the Report and Recommendation of the Honorable Lois Bloom, United States Magistrate Judge, dated June 28, 2010, recommending that this Court grant the defendant's motion for summary judgment. On July 1, 2010, plaintiff requested an extension of time to file objections. In a July 12, 2010 Order, such an extension was granted, and plaintiff was directed to file any objections by August 18, 2010. The Order further stated that no additional extensions would be granted. As no party has objected as of this date, the Court hereby adopts the recommendation of June 28, 2010. Accordingly, defendant's motion for summary judgment is granted and plaintiff's action is dismissed without prejudice.

The Court notes that the plaintiff submits documentation in her responsive papers indicating that she may have maintained a fourth bank account with Citibank, a "Checking Plus" account ending #5399 not referenced in the complaint. No documentation was submitted suggesting whether money was ever garnished from the account. The Haslam Declaration, submitted by the defendant in support of its motion for summary judgment, states that plaintiff maintained only three accounts as of the date of garnishment, accounts ending #9897, #8340, and #8596. Should petitioner choose to re-file, contending that funds were garnished from account

*clm*

ending #5399 and that such funds were never returned, her complaint should make specific reference to the account at issue. The Clerk of the Court is directed to enter judgment in accordance with this Order and close this case.

SO ORDERED.

Dated: Brooklyn, New York  
September 14, 2010

---

Carol Bagley Amon  
United States District Judge